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10/717,891	11/20/2003	Dan L. Dalton	200312744-1	9408

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EXAMINER	
LE, TUAN H	
ART UNIT	**PAPER NUMBER**
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/717,891	DALTON, DAN L.	
	Examiner	Art Unit	
	Tuan H. Le	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 7-9 are objected to because of the following informalities: "use input" should be replaced by "user input". Appropriate correction is required.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 8, 10-17, 19-32, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated Bryant et al (U.S. Pub. 2004/0201690 A1), "Bryant".

Regarding **claim 1**, Bryant discloses a method implemented by a digital camera, comprising the steps of: receiving a first user input corresponding to an image displayed by a digital camera, (see Bryant, paragraphs [0051] and [0052]); down-sampling image data corresponding to the image responsive to the first user input, (see Bryant, paragraphs [0051] and [0052]); and storing the down-sampled image data in non-volatile memory (330), (see Bryant, Fig. 2 and paragraph [0051]).

As for **claim 3**, Bryant discloses that the non-volatile memory (330) is part of a memory card that is coupled to the digital camera, (see Bryant, Fig. 2).

As for **claim 4**, Bryant discloses outputting the down-sampled image data to a television (392) responsive to a second user input, (see Bryant, Fig. 2).

As for **claim 5**, Bryant discloses retrieving the image data from a memory card (330) coupled to the digital camera prior to down-sampling the image data, (see Bryant, Fig. 2, paragraphs [0050] and [0051]).

As for **claim 7**, Bryant discloses capturing the image prior to receiving the first user input, (see Bryant, paragraph [0049]); displaying the image prior to receiving the first user input (112), (see Bryant, Fig. 14A); receiving a second user input corresponding to an option to view favorite images (114), (see Bryant, Fig. 14A); and displaying an image (115) that is constructed using the down-sampled image data, (see Bryant, Fig. 14A).

Regarding **claim 8**, Bryant discloses a method implemented by a digital camera, comprising the steps of: receiving a first user input corresponding to an image displayed by a digital camera, (see Bryant, paragraph [0051], wherein selection of image size is performed); and responsive to receiving the first user input: retrieving image data corresponding to the image from a removable memory card (330) coupled to the digital camera, (see Bryant, Fig. 4); and storing image data corresponding to the image in non-volatile memory (326) that is part of the digital camera, (see Bryant, Fig. 4).

As for **claim 9**, Bryant discloses capturing the image prior to receiving the first use input, (see Bryant, paragraph [0049]); and displaying the image prior to receiving the first use input (112), (see Bryant, Fig. 14A).

As for **claim 10**, Bryant discloses outputting image data corresponding to the image to a television (392), (see Bryant Fig. 2).

As for **claim 11**, Bryant discloses down-sampling the retrieved image data prior to the step of storing, (see Bryant, Fig. 2 and paragraph [0051]).

As for **claim 12**, Bryant discloses receiving a second user input corresponding to an option to view favorite images (114), (see Bryant, Fig. 14A); and displaying the image (115) responsive to the second user input, (see Bryant, Fig. 14A).

Regarding **claim 13**, Bryant discloses a method implemented by a digital camera, comprising the steps of: receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera, (see Bryant, paragraph [0054], wherein "favorite" button is used); designating the plurality of images as favorite images responsive to the plurality of respective user inputs (see Bryant, paragraph [0054], wherein "favorite" button is used); receiving another user input corresponding to an option to display favorite images, (see Bryant, Fig.4 and paragraph[0121], wherein joystick controller is used); and displaying at least one of the plurality of images responsive to receiving the other user input, (see Bryant, Figs. 7A and 7B).

As for **claim 14**, Bryant discloses outputting at least one of the plurality of images to a television (392), (see Bryant, Fig. 2).

As for **claim 15**, Bryant discloses responsive to the plurality of user inputs: down-sampling the plurality of images, (see Bryant, Fig. 5 and paragraph [0056], wherein Exif image files are mentioned); and storing the down-sampled images in non-volatile memory in the digital camera, (see Bryant, paragraph [0056], wherein removable memory card is used).

As for **claim 16**, Bryant discloses capturing each of the plurality of images (102), (see Bryant, Fig. 3A); displaying each of the plurality of images (112), (see Bryant, Fig. 3A).

Regarding **claim 17**, Bryant discloses a digital camera comprising: non-volatile memory (330), (see Bryant, Fig. 2); and at least one processor (320) that is programmed to: down-sample image data corresponding to an image displayed by the digital camera responsive to the digital camera receiving a user input, (see Bryant, Fig. 2 and paragraph [0051]); and provide the down-sampled image data to the non-volatile memory (330), (see Bryant, Fig. 2 paragraph [0051]).

As for **claim 18** , Bryant discloses that the image data is retrieved from the non-volatile memory (330) prior to being down-sampled, (see Bryant, Fig. 2 and paragraphs [0050] and [0051]).

As for **claim 19**, Bryant discloses that the at least one processor (320) is further programmed to enable the down-sampled image data to be provided to a television (392), (see Bryant, Fig. 2 and paragraph [0052]).

As for **claim 20**, Bryant discloses the image data is retrieved from a memory card (330) coupled to the digital camera prior to the image data being down-sampled (see Bryant, Fig. 2 and paragraph [0050]).

As for **claim 21**, Bryant discloses a photo-sensor (314) configured to sense light corresponding to the image; a display configured to display the image (332); and a user-input interface (303)configured to receive the user input, (see Bryant, Figs. 2 and 4).

Regarding **claim 22** , Bryant discloses a display (332), (see Bryant, Figs. 2 and 4); and at least one processor (320) that is programmed to: designate a plurality of images as favorite images responsive to the digital camera receiving a plurality of respective user inputs (364), (see Bryant, Figs. 2 and 4) ; and provide image data corresponding to at least one of the plurality of images to the display responsive to the digital camera receiving another user input corresponding to an option to display favorite images (360), (see Bryant, Fig. 4).

As for **claim 23** , Bryant discloses that the at least one processor (320) is further programmed to enable image data corresponding to at least one of the plurality of images to be provided to a television (392), (see Bryant, Fig. 2 and paragraph [0052]).

As for **claim 24**, Bryant discloses that the at least one processor (320) is further programmed to down-sample data corresponding to each of the plurality of images responsive to each of the plurality of respective user inputs, (see Bryant, Fig. 2 and paragraph [0051]).

As for **claim 25**, Bryant discloses that non-volatile (330) memory configured to store the down-sampled data, (see Bryant, Fig. 2 and paragraph [0051]).

As for **claim 26**, Bryant discloses that the at least one processor (320) is further programmed to provide the down-sampled data to the non-volatile memory, (see Bryant, Fig. 2 and paragraph [0051]).

As for **claim 27**, Bryant discloses that a photo-sensor (314) configured to sense light corresponding to the image; a user-input interface (303) configured to receive the user input, (see Bryant, Fig. 2).

Regarding **claim 28**, Bryant discloses means (362) for receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera, (see Bryant, Fig. 4 and paragraph [0054]); means (364) for designating the plurality of images as favorite images responsive to the plurality of respective user inputs, (see Bryant, Fig. 4); means (332) for displaying at least one of the plurality of images responsive to receiving another other user input corresponding to an option to display favorite images, (see Bryant, Fig. 4).

As for **claim 29**, Bryant discloses a means (390) for outputting at least one of the plurality of images to a television (392), (see Bryant, Fig. 2).

As for **claim 30**, Bryant discloses means (320) for down-sampling the plurality of images; and means (330) for storing the down-sampled images, (see Bryant, Fig. 2).

As for **claim 31**, Bryant discloses means (314) for capturing each of the plurality of images; and means (332) displaying each of the plurality of images, (see Bryant, Fig. 2).

Regarding **claim 32**, Bryant discloses a method implemented by a digital camera, comprising the steps of: receiving a first user input corresponding to an image displayed by a digital camera, (see Bryant, paragraphs [0051] and [0052]); converting a first set of data corresponding to the image to a second set of data responsive to the first user input, wherein the second set of data is smaller than

the first set of data; and storing the second set of data in non-volatile memory (330), (see Bryant, paragraphs [0051] and [0052]).

As for **claim 34**, Bryant discloses that the non-volatile memory (330) is part of a memory card that is coupled to the digital camera,(see Bryant, Fig. 2).

As for **claim 35**, Bryant discloses outputting the second set of data to a television responsive to a second user input, (see Bryant, Fig. 2 and paragraph [0052]).

Regarding **claim 36**, Bryant discloses a computer readable medium (328), (see Bryant, paragraph [0049]) having stored thereon computer-readable instructions configured to enable: receiving a first user input corresponding to an image displayed by a digital camera, (see Bryant, paragraphs [0051] and [0052]); converting a first set of data corresponding to the image to a second set of data responsive to the first user input, wherein the second set of data is smaller than the first set of data; and storing the second set of data in non-volatile memory, (see Bryant, paragraphs [0051] and [0052]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 6, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al (U.S. Pub. 2004/0201690 A1), "Bryant".

As for **claim 2**, Bryant discloses a non-volatile memory (330), which is not a part of a digital camera. However, it is obvious to one of ordinary skill in the art at the time the invention was made to implement that non-volatile memory as a part of a digital camera because such implementation eliminates user's burden of carrying a non-volatile memory along with the camera.

As for **claim 6**, Bryant discloses retrieving the image data from the non-volatile memory (330) prior to down-sampling the image data. Bryant does not disclose that such non-volatile memory is part of the digital camera. However, it is obvious to one of ordinary skill in the art at the time the invention was made to implement that non-volatile memory as a part of the digital camera because such implementation eliminates user's burden of carrying a non-volatile memory along with the camera.

As for **claim 33**, Bryant discloses a non-volatile memory (330), which is not a part of a digital camera. However, it is obvious to one of ordinary skill in the art at the time the invention was made to implement that non-volatile memory as a part of a digital camera because such implementation eliminates user's burden of carrying a non-volatile memory along with the camera.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al (U.S. Pub. 2004/0201690 A1), "Bryant", and further in view of Anderson (U.S. Pat. 5,973,734).

As for **claim 5**, Bryant discloses all of the limitations of the parent claim but does not explicitly disclose retrieving the image data from a memory card coupled to the digital camera prior to down-sampling the image data.

On the other hand, Anderson discloses retrieving the image data from a memory card (354) coupled to the digital camera prior to down-sampling the image data, (see Anderson, column 8 lines 50-67 and column 9 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the retrieving of image from memory card as described by Anderson with the method implemented by a camera as described by Bryant in order to process image data because such combination corrects the aspect ratio of an image for display, thus, results in better display for images regardless of image orientation, (see Anderson, column 1 lines 49-51).

As for **claim 18**, Bryant discloses all of the limitations of the parent claim but does not explicitly disclose that the image data is retrieved from the non-volatile memory prior to being down-sampled.

On the other hand, Anderson discloses that the image data is retrieved from the non-volatile memory prior to being down-sampled, (see Anderson, column 8 lines 50-67 and column 9 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the retrieving of image from non-volatile as described by Anderson with the method implemented by a digital camera as described by Bryant in order to process image data because such combination corrects the aspect ratio of an image for display, thus, results in better display for images regardless of image orientation, (see Anderson, column 1 lines 49-51).

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al (U.S. Pub. 2004/0201690 A1), "Bryant", and further in view of Cazier et al (U.S. Pat. 6,900,835).

As for **claim 7**, Bryant discloses receiving a second user input corresponding to an option to view favorite images (114), (see Bryant, Fig. 14A); and displaying the image (115) responsive to the second user input, (see Bryant, Fig. 14A). However, Bryant does not explicitly disclose capturing the image prior to receiving the first use input; displaying the image prior to receiving the first use input.

On the other hand, Cazier et al discloses capturing the image (23) prior to receiving the first user input (icon 31) and displaying (in GUI 22 of LCD monitor 21) the image prior to receiving the first user input, (see Cazier et al, Fig. 3 and column 3 lines 19-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the capturing and displaying an image as described by Cazier et al into the method implemented by a digital camera as described by Bryant in order to immediately visualize captured image to camera users because such incorporation allows camera users to interact with the capture image.

As for **claim 9**, Bryant discloses all of the limitations of the parent claims but does not disclose capturing the image prior to receiving the first user input and displaying the image prior to receiving the first user input.

On the other hand, Cazier et al discloses capturing the image (23) prior to receiving the first user input (icon 31) and displaying (in GUI 22 of LCD monitor 21) the image prior to receiving the first user input, (see Cazier et al, Fig. 3 and column 3 lines 19-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the capturing and displaying an image as described by Cazier et al into the method implemented by a digital camera as described by Bryant in order to immediately visualize captured image to camera users because such incorporation allows camera users to interact with the capture image.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rosenzweig et al (U.S. Pub. 2002/0075330) discloses a multi-dimensional graphical user interface using metadata provides for multiple methods and displays for browsing and retrieving pictures in a pictures database.

Nishimura (U.S. Pat. 6,778 217) discloses an image-capturing device includes and external monitor which has a touch panel mounted on an image display screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuan Le
February 16, 2007.

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